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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,362	02/14/2002	Alexander Druyan	AUS920011019US1	1508
36449 7590 07/06/2011 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110				
EXAMINER SWARTZ, STEPHEN S				
ART UNIT 3623		PAPER NUMBER		
MAIL DATE 07/06/2011		DELIVERY MODE PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/076362
Filing Date: February 14, 2002
Appellant(s): KOTLA ET AL.

Jack P. Friedman Reg. No. 44,688
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 25 April 2011 appealing from the Office action mailed July 2010.

(1) Real Part of Interest

The Examiner has no comment on the statement of the real party in interest.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

Claims 1-3, 9, 10, 29-45 are rejected and pending in the application.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to

be reviewed on appeal.

(7) Claims Appendix

The examiner has no comment on the copy of claims contained in the Appendix.

(8) Evidence Relied Upon

Kinser, Jr. et al. (U.S. Patent 5,687,212)

Toyouchi et al. (U.S. Patent 6,847,988 B2)

Bergeron et al. (U.S. Patent 4,922,514)

Northcutt et al. (U.S. Patent Publication 2003/0126001 A1)

Smith et al. (U.S. Patent 7,013,469 B2)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims: The ground(s) for rejection are reproduced below from the Final Office Action, mailed 10 November 2009.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 34-37, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi).

Referring to Claim 1, Kinser teaches a method for displaying a list of service requests from multiple service request systems on a single display, comprising:

- in response to said receiving the service inquiry, said processor formulating and sending a service request status message to a plurality of service ticketing systems (see; col. 55, lines (46-61) of Kinser teaches batch processing (i.e. formulating) and submitting the open service requests to a system for dispatch to multiple systems.
- said service request status message requesting service tickets specifying the services assigned to the technician from the service manager (see; col. 55, lines (58-61) of Kinser teaches assigning trouble tickets assigned to specific technicians).
- after said sending the service request status message, said processor receiving the service tickets from the service ticketing systems, each service ticket specifying a different service of the services assigned to the technician (see; col. 55, line (56-61) of Kinser

teaches the garages receiving the service tickets for the specific technicians and the details of the work).

- said processor merging the received service tickets into a response list of tickets (see; col. 55, lines (56-61) of Kinser teaches the list of services for the technicians are compiles on dispatch reports (i.e. list of tickets)).
- said processor sorting the tickets in the response list by sort parameters to generate multiple sorted ticket request lists (see; col. 28, lines (16-18), col. 50, line (65) - col. 51, line (14), col. 55, lines (57-61) of Kinser teaches the capability of sorting service based on the priority of the service request and creating multiple tickets to different technicians based on what is needed to be completed an when and all this will show up on the dispatch report (i.e. list).
- displaying said processor storing the multiple sorted ticket request lists in a cache memory at the gateway manager for subsequent display to the technician of a sorted ticket request list of the multiple sorted ticket request lists, wherein the multiple sorted ticket request lists are concurrently stored in the cache memory (see; col. 43, lines (60-64), col. 47, lines (28-37), col. 55, lines (52-61), and col. 57, lines (19-26) of Kinser teaches a processor that stores multiple trouble tickets and the dispatch report (i.e. request lists) in memory that can be viewed in a display and additionally uses a gateway to distribute the trouble tickets to the technicians).

Kinser does not explicitly disclose the following limitation, however,

Toyouchi a computer processor receiving a service inquiry from a browser to which a technician is interfaced at a computer Comprising the browser, said computer processor being comprised by a gateway manager, said service inquiry requesting a list of services assigned to the technician for being performed by the technician (see; col. 11, lines 25-45), col. 38, line (54) – col. 39, line

(17), col. 42, lines (4-6, and lines (55-67) of Toyouchi teaches a computer processor being used with a browser to manage service requests in the form of a plurality of requests (i.e. services) through a gateway stored in a table (i.e. list)).

Both Kinser and Toyouchi teach the handling of service requests in the business environment, therefore it would be obvious to one of ordinary skill in the art at the time of the invention to expand the method of Kinser to include a computer processor receiving a service inquiry from a browser to which a technician is interfaced at a computer. Comprising the browser, said computer processor being comprised by a gateway manager, said service inquiry requesting a list of services assigned to the technician for being performed by the technician as taught by Toyouchi, because in order to handle service requests by as many means as possible adding a browser to inquire and manage technicians will increase the method to include new ways of monitoring tasks thereby making the handling of service more robust.

Referring to Claim 2, Kinser in view of Toyouchi teach the method of claim 1, Kinser further disclose the following limitation.

- before said sending the service request status message, said processor converting the service status request message to a format that is specific for each service ticketing system (see; col. 46, lines (1-19), and col. 58, lines (48-50) of Kinser teaches the service requests are grouped together in proactive and reactive along with a common service order processor that ensures the format is translated properly).

Referring to Claim 3, Kinser in view of Toyouchi teach the method of claim 1, Kinser further disclose the following limitation.

- said processor converting the received service tickets into a common format wherein said merging results in the response list being in the common format (see; col. 55, lines (52-61), col. 58, lines (48-50), and col. 63, line (61) - col. 64, line (2) of Kinser teaches a common service order processor that translates the service information into a common format and this information is then dispatched to the different technicians so that the dispatch report is up to date and correct for each service requirement).

Referring to Claim 34, Kinser in view of Toyouchi teach the method of claim 1, Kinser in further disclose the following limitation.

- displaying to the technician the sorted ticket request list by displaying sequential segments of tickets in the sorted ticket request list (see; col. 28, lines (16-18), col. 50, line (65) - col. 51, line (14) col. 55, lines (58-61) of Kinser teaches displaying a report with the service that needs to be performed listed based on how they were prioritized (i.e. sorted segments) before being sent).

Kinser does not explicitly disclose that it is displayed one segment at a time, but it would be obvious to one of ordinary skill in the art at the time of the invention that specifying displaying one segment at a time would be considered a design choice as limiting which is shown in a list first does not patentably distinguish the claim from the prior art in providing a list of all the work a person needs to be completed which is already sorted for priority.

Referring to Claim 35, Kinser in view of Toyouchi teach a computer program product. Claim 35 recites the same or similar limitations as those addressed above in claim 1. Claim 35 is therefore rejected for the same reasons as set forth above in claim 1

Referring to Claim 36, see discussion of claim 35 above, while Kinser in view of Toyouchi teaches the method above, Claim 36 recites the same or similar limitations as those addressed above in claim 2, Claim 36 is therefore rejected for the same or similar limitations as set forth above in claim 2.

Referring to Claim 37, see discussion of claim 35 above, while Kinser in view of Toyouchi teaches the method above, Claim 37 recites the same or similar limitations as those addressed above in claim 3, Claim 37 is therefore rejected for the same or similar limitations as set forth above in claim 3.

Referring to Claim 45, see discussion of claim 35 above, while Kinser in view of Toyouchi teaches the method above, Claim 45 recites the same or similar limitations as those addressed above in claim 34, Claim 45 is therefore rejected for the same or similar limitations as set forth above in claim 34.

3. Claims 9, 10, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Bergeron et al. (U.S. Patent 4,922,514) (hereafter Bergeron).

Referring to Claim 9, Kinser in view of Toyouchi teach the method of claim 1, Kinser further disclose the following limitation.

- said processor resetting the sorted ticket lists in the cache after a predetermined time period (see; col. 29, lines (39-43), col. 47, lines (28-37), and col. 55, lines (52-61) of Kinser teaches a processor and memory that takes the sorted data and tries to maximize the efficiency of the work being completed therefore the dispatch report is sent to the technician with current open items to complete).

Kinser does not explicitly disclose that a time period expires, but the examiner takes official notice that in the service industry certain jobs are given a certain amount of time to complete based on the cost of the job. This would mean that when job is started it should be finished in a predetermined period of time. If an employee is especially poor at meeting the deadlines of jobs they will be replaced with someone who can meet the dead lines.

It would be obvious to one of ordinary skill in the art at the time of the invention to expand the method of Kinser and Toyouchi to include a expiration of time because it will force specific jobs to be completed as efficiently as possible and the new lists will include this data making the scheduling of service more efficient.

Kinser and Toyouchi do not explicitly disclose the following limitation, however.

Bergeron teaches said processor determining an elapsed time since a last inquiry by a the technician (see; col. 4, lines (1-20) of Bergeron teaches a processor that keeps track of service engineers (i.e. technician) based on a event or time driven schedule and how it is accessed with an input/output device (i.e. inquiry)).

Kinser, Toyouchi and Bergeron teach maintaining service scheduling in a business environment and it would therefore be obvious to one of ordinary skill in the art at the time of the invention to expand the method of Kinser and Toyouchi to include determining the elapsed time since a technician made an inquiry because in order to make sure an employee is

completing tasks in the most efficient manner possible it is necessary to track their progress. With the tracking of progress the jobs will be better tracked making the process of service more robust.

Referring to Claim 10, Kinser in view of Toyouchi in further view of Baergeron teach the method of claim 9, Kinser further disclose the following limitation.

- wherein said resetting comprises retrieving additional tickets for the ticketing systems (see; col. 21, par. (35-42), and col. 55, lines (56-61) of Kinser teaches a re-prioritizing of the group of service requests and then distributing them to the correct technician).

Referring to Claim 38, see discussion of claim 35 above, while Kinser in view of Toyouchi teaches the method above, Claim 38 recites the same or similar limitations as those addressed above in claim 9, Claim 38 is therefore rejected for the same or similar limitations as set forth above in claim 9.

Referring to Claim 39, see discussion of claim 38 above, while Kinser in view of Toyouchi in further view of Bergeron teaches the method above, Claim 39 recites the same or similar limitations as those addressed above in claim 10, Claim 39 is therefore rejected for the same or similar limitations as set forth above in claim 10.

4. Claims 29, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Northcutt et al. (U.S. Patent Publication 2003/0126001 A1) (hereafter Northcutt).

Referring to Claim 29, Kinser in view of Toyouchi teach the method of claim 1, Kinser in view of Toyouchi do not explicitly the following limitation, however,

Northcutt teaches using XML format (see; pg. 4, par. [0052] of Northcutt teaches representing the request for work (i.e. ticket) in an XML format).

Both Kinser, Toyouchi, and Northcutt teach the handling of work requests in the business environment and therefore it would be obvious to one of ordinary skill in the art at the time of the invention to expand the method of Kinser and Toyouchi to include XML format as taught by Northcutt, because having a standard format that is easily viewable by all computers and readily shareable on the internet will increase the ability to distribute the information making the program more effective.

Referring to Claim 40, see discussion of claim 39 above, while Kinser in view of Toyouchi in further view of Bergeron teaches the method above, Claim 40 recites the same or similar limitations as those addressed above in claim 29, Claim 40 is therefore rejected for the same or similar limitations as set forth above in claim 29.

5. Claims 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent

6,847,988 B2) (hereafter Toyouchi), in further view of Northcutt et al. (U.S. Patent Publication 2003/0126001 A1) (hereafter Northcutt).

Referring to Claim 30, Kinser in view of Toyouchi in further view of Northcutt teach the method of claim 29, Kinser further disclose the following limitation.

- sort parameter to index a sort order of the tickets in the response list for each sort parameter (see; col. 28, lines (16-18), col. 50, line (65) – col. 51, line (14), col. 47, lines (42-56), col. 55 (52-61) of Kiner teaches that there are parameters that can be sorted and prioritized, this information can then be used to create the dispatch report of tickets for the technicians.

Kinser, Toyouchi and Northcutt do not explicitly disclose the following limitations however,

Smith teaches creating a different integer array of pointers (see; col. 400, lines (33-35) of Smith teaches an integer array and it's combination with pointers), and

wherein each pointer in each integer array points to an item (see; col. 6, lines (19-29) and col. 400, lines (33-35) of Smith teaches that pointers are used to point to items, and that pointer are part of the integer array), and

rearranging the pointers in each integer array as the tickets are rearranged in the response list for each sort parameter (see; col. 6, lines 10-14), and col. 237, lines (10-14) of Smith teaches an integer array used in sorting parameters).

Kinser, Toyouchi, Northcutt and Smith deal with the handling of data in a business environment and therefore it would be obvious to one of ordinary skill in the art at the time of the invention to expand the method of Kinser, Toyouchi, and Northcutt to include creating a different integer array of pointers, each pointer in each integer array points to an item, and rearranging the pointers in each integer array as the tickets are rearranged in the response list for each sort parameter as taught by Smith because the added method of sorting will allow the data

to be more thoroughly sorted to find the best solution to the service assignment making the program more effective.

Referring to Claim 41, see discussion of claim 37 above, while Kinser in view of Toyouchi in further view of Northcutt teaches the method above, Claim 41 recites the same or similar limitations as those addressed above in claim 30, Claim 41 is therefore rejected for the same or similar limitations as set forth above in claim 30.

6. Claims 31, 32, 33, 42, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinser, Jr. et al. (U.S. Patent 5,687,212) (hereafter Kinser) in view of Toyouchi et al. (U.S. Patent 6,847,988 B2) (hereafter Toyouchi), in further view of Smith et al. (U.S. Patent 7,013,469 B2).

Referring to Claim 31, Kinser in view of Toyouchi teach the method of claim 1, Kinser in view of Toyouchi do not explicitly disclose the following limitations, however

Smith teaches wherein the sort parameters consist of a first sort parameter and a second sort parameter (see; col. 737, lines (9-11) of Smith teaches two sort parameters), and wherein the multiple sorted ticket request lists consist of a first sorted ticket request list and a second sorted ticket request list (see; col. 75, lines (29-35) and col. 737, lines (9-11) the sorting of multiple of data including the ability to sort two parameters), and

wherein said sorting comprises generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter and generating the second sorted ticket request list whose tickets are sorted according to the second sort parameter (see; col. 75, lines (29-35) and

col. 737, lines (9-11) the sorting of multiple of data including the ability to sort two parameters based on how the array is set up making for a multitude of search parameter combinations (i.e. first sort generating second sort)).

Kinser, Toyouchi, and Smith deal with the handling and sorting of data in a business environment and therefore it would be obvious to one of ordinary skill in the art at the time of the invention to expand the method of Kinser and Toyouchi to include the multiple sorted ticket request lists consist of a first sorted ticket request list and a second sorted ticket request list, and sorting comprises generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter and generating the second sorted ticket request list whose tickets are sorted according to the second sort parameter as taught by Smith because the added method of sorting will allow the data to be more thoroughly sorted to find the best solution to the service assignment making the program more effective.

Referring to Claim 32, Kinser in view of Toyouchi in further view of Smith teach the method of claim 31, Kinser in view of Toyouchi in further view of Smith do not explicitly disclose the following limitations, however

Smith teaches wherein the first sort parameter, and wherein the second sort parameter (see; col. 737, lines (9-11) of Smith teaches two sort parameters), however Smith does not explicitly disclose that the first sort parameter consists of ticket request location and the second sort parameter consists of type of service requested, The difference between the reference (Smith, sorting method using parameters) and claim 32 (sorting using specific defined parameters) relates only to the intended use of the invention (i.e., to perform tracking a sorting method). A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Furthermore it should be noted that the use of "date" and "severity" is merely a non-functional data labels. The use of this data label does not make this claim patentably distinguishable over the prior art. It merely identifies specific terms for actions performed in sorting information as taught by Smith.

Kinser, Toyouchi, and Smith deal with the handling and sorting of data in a business environment and therefore it would be obvious to one of ordinary skill in the art at the time of the invention to expand the method of Kinser and Toyouchi to include the first sort parameter, and wherein the second sort parameter as taught by Smith because the added method of sorting will allow the data to be more thoroughly sorted to find the best solution to the service assignment making the program more effective.

Referring to Claim 33, Kinser in view of Toyouchi in further view of Smith teach the method of claim 31, Kinser in further disclose the following limitation.

- wherein the first sort parameter consists of ticket submission date, and wherein the second sort parameter consists of severity of problem to which service is directed (see; col. 45, line (19, and col. 49, line (5-8) of Kiner teaches that two possible parameters that can be used for sorting are date and severity of the problem).

Referring to Claim 42, see discussion of claim 35 above, while Kinser in view of Toyouchi teaches the method above, Claim 42 recites the same or similar limitations as those addressed above in claim 31, Claim 42 is therefore rejected for the same or similar limitations as set forth above in claim 31.

Referring to Claim 43, see discussion of claim 42 above, while Kinser in view of Toyouchi in further view of Smith teaches the method above, Claim 43 recites the same or similar limitations as those addressed above in claim 32, Claim 43 is therefore rejected for the same or similar limitations as set forth above in claim 32.

Referring to Claim 44, see discussion of claim 42 above, while Kinser in view of Toyouchi in further view of Smith teaches the method above, Claim 44 recites the same or similar limitations as those addressed above in claim 33, Claim 44 is therefore rejected for the same or similar limitations as set forth above in claim 33.

(10) Response to Argument

The applicant's arguments have been fully considered but they are not persuasive.

7. The applicant argues on pgs. 8-9 with regard to claim 1 that Toyouchi is "totally silent as to a technician interfaced at a browser such that a computer processor receives from the browser a list of services assigned to the technician for being preformed by the technician".

The examiner respectfully disagrees.

For further clarification the Toyouchi art describes a service providing system and method which divides a request into plural service requests and provides an integrated service based on service utilization history information in response to the request. This piece of prior art then goes on to describe a browser for a user (see; col. 38, line (54) - col. 39, line (17) of

Toyouchi that describes a user interface in which an individual may view and analyze the information provided. Furthermore the art discloses providing information to a person about an end user who is requesting service on a browser. This person who receives a request for service is viewed to be a technician as they are the person technically equipped to handle the request. This technician would be given service requests to handle and as previously cited col. 11, lines (24-45) a list of all the open requests is made available to the service technician and can even be prioritized based on the monetary impact of the service. Coupled with col. 42, lines (4-6) which describes a broadcasting of the work to technicians using a processor Toyouchi does teach a technician using a browser with a processor to view the list of assigned tasks to the technician.

8. The applicant argues on pg. 9 with regard to claim 1 that Toyouchi does not disclose "that the person who inputs the information assigns, or could assign, himself/herself one of some the trouble tickets".

The examiner respectfully disagrees.

In response to the argument for further clarification the examiner points to col. 43, line (46) – col. 45, line (7) of Toyouchi which discloses a service request system that takes issues from users and then assigns people based on the management module to perform necessary processes. There is an indication of an input/output functionality that allows a person who is performing the tasks to input information from what a user is requesting and making it into work items, with prioritization and predetermined rules. These requests can then be handled by the individual or put into the system to be handled by the service management unit in order to have a resolution capable of addressing the situation. Thereby allowing the individual the ability to assign or not assign the task to himself or herself.

9. The applicant argues on pgs. 11 with regard to claim 1 that Kinser that having "said service request status message requesting service tickets" equates to "said service tickets requesting service tickets" which is an inference that does not make any sense and which Kinser does not disclose".

The examiner respectfully disagrees.

In response to the argument for further clarification the examiner points to Kinser on col. 57, lines (47-53) discloses an assignment request which allows a service manager to request what tasks are assigned to a particular workforce and receives a response. This allows the managers to determine if there is any additional changes that need to take place or understand the current assignments).

10. The applicant argues on pgs. 12-13 with regard to claim 1 that Kinser does not disclose a technician, and the technician, and do not mention technicians” and further argues that there is one and only one technician”.

The examiner respectfully disagrees.

In response to the argument for further the examiner points to col. 28, lines (49-51) of Kiner teaches technicians and if there is listed technicians it must mean that there is at least one technician. That one of possible that one of the many technicians can be "a technician, or the technician".

The examiner further points out that while the claim language reads a or the technician there is no claim limitation that there is in fact one and only one technician and since Kinser teaches technicians that could reasonably interpreted a one of those technicians addresses the current issue being claimed, because it is also rare that multiple technicians will be utilized to address the same problems.

11. The applicant argues on pgs. 14 with regard to claim 1 that Kinser does not disclose “sorting the tickets in the response list by sort parameters to generate multiple sorted ticket request lists”.

The examiner respectfully disagrees.

In response to the argument the examiner points to the previously sighted area col. 28, lines (16-18) of Kinser which discloses a sorting that takes place with regard to sort parameters defined by the Maintenance Center as the to which “wire center” and "start date” to which service is required. This when sorted creates lists as to which whom is handling the work at the different centers and when it needs to start of the requests (i.e. tickets) and would result in multiple lists based on the wire center and when it needs to start.

12. The applicant argues on pgs. 15-16 with regard to claim 1 that Kinser does not disclose “concurrently storing the multiple sorted ticket request lists in a cache memory at the gateway manager”.

The examiner respectfully disagrees.

In response to the argument the examiner points to the previously sighted col. 43, lines (60-64) of Kinser which discloses a service gateway that handles the trouble reports (i.e. tickets). It further goes on to explain that this is done by the service analysis system with both reactive and proactive architectures. In col. 43, lines (41-59) of Kinser discusses that the data is stored and maintained in such a way as to have it readily available for the service analysis system. This storing of information is viewed by the examiner to be in such a way that it is readily available for use by the system as to handle problems quickly (reactive and proactive). It is commonly understood in the art that by storing of information is done because it is information that is needed in place for a quick response it is best to cache it to have it readily available. The examiner contends that since the data is used in the gateway manager and is needed quickly by the system to be both reactive and proactive while not being called a cache the storing of the data for quick use would be a caching.

13. The applicant argues on pg. 18 with regard to claim 1 that Kinser does not disclose “before said sending the service request status message, said processor converting the service status request message to a format that is specific for each service ticketing system”.

The examiner respectfully disagrees.

The examiner points out in the previously sighted are of Kinser and noted in the appeal brief by the applicant that col. 46, lines 1-19 of Kinser discusses grouping trouble tickets by geographical area, using historical switch surveillance information, and grouping proactive or reactive troubles in the task of effectively optimizing he technicians dispatches in order to give a complete picture of what is needed for the maintenance (i.e. formatting the message for the specific technician, or group of technicians). This optimizing of information (i.e. formatting) is

done to the information in order to make it easy to use by all the service technicians in that facility and it is formatted before it is printed out and used by the technicians.

14. The applicant argues on pg. 23 with regard to claim 9 and 38 that Bergeron does not disclose "determining an elapsed time since a last inquiry by the technician".

The examiner respectfully disagrees.

The examiner points out for further clarification col. 7, lines (6-56) of Bergeron teaches a service engineer (i.e. technician) for their job must call in to get assignments and must decide to either accept or not accept a job (if they don't accept they won't be offered that particular assignment again). This information when they call in for assignments is recorded. With this information being recorded it is viewed by the examiner that at any point a manager can view the last assignment either accepted or rejected from the field engineer and know what the elapsed time is (i.e. inherent). Especially since the time to complete jobs is on a countdown and must be addressed this shows the system knows the current time a job is at and when who and when it is completed by a field engineer that access the system.

15. The applicant argues on pg. 23 with regard to claim 9 that Kinser in view of Toyouchi in further view of Bergeron does not disclose the following:

- i. The sorted ticket lists
- ii. Resetting the sorted ticket lists
- iii. Resetting the sorted ticket lists in the cache
- iv. Resetting the sorted ticket lists in the cache after a predetermined period of time.

The examiner respectfully disagrees.

The examiner points out for further clarification with regard to the "sorted ticket lists" col. 28, lines (16-18) of Kinser which discloses a sorting that takes place with regard to sort parameters defined by the Maintenance Center as the to which "wire center" and "start date" to

which service is required. This when sorted creates lists as to which whom is handling the work at the different centers and when it needs to start of the requests (i.e. tickets) and would result in multiple lists based on the wire center and when it needs to start.

The examiner points out for further clarification with regard to the "resetting the sorted ticket lists" col. 31, line (33) - col. 32, line (14) of Kinser discusses a proactive system that generates the lists of problems and creates required work based on if the job has been completed or further tests on the problem to determine if it is valid). This creation of prioritized groups alleviates false failures. This is viewed as a system that resets the prioritized work items (i.e. sorted ticket lists).

The examiner points out for further clarification with regard to the "resetting the sorted ticket lists in the cache" col. 43, lines (60-64) of Kinser which discloses a service gateway that handles the trouble reports (i.e. tickets). It further goes on to explain that this is done by the service analysis system with both reactive and proactive architectures. In col. 43, lines (41-59) of Kinser discusses that the data is stored and maintained in such a way as to have it readily available for the service analysis system. This storing of information is viewed by the examiner to be in such a way that it is readily available for use by the system as to handle problems quickly (reactive and proactive). It is commonly understood in the art that by storing of information is done because it is information that is needed in place for a quick response it is best to cache it to have it readily available. The examiner contends that since the data is used in the gateway manager and is needed quickly by the system to be both reactive and proactive while not being called a cache the storing of the data for quick use would be a caching of data, and along with a proactive prioritization of items col. 31, line (33) - col. 32, line (14) of Kinser teach a resetting of the prioritized work items in the cache".

The examiner points out for further clarification in the previously cited are of Bergeron with regard to the "Resetting the sorted ticket lists in the cache after a predetermined period of time" col. 4, lines (1-20) of Bergeron teaches a processor that keeps track of service engineers (i.e. technician) based on a event or time driven schedule and how it is accessed with an

input/output device (i.e. inquiry)). In order to make sure an employee is completing tasks in the most efficient manner possible it is necessary to track their progress.

16. The applicant argues on pg. 24 with regard to claims 10 and 39 that Kinser in view of Toyouchi in further view of Bergeron does not disclose “wherein said resetting comprises retrieving additional tickets for the ticketing system”.

The examiner respectfully disagrees.

The examiner points out for further clarification col. 56, lines (4-59) of Kinser discusses the process of determining new tasks and analyzing this information before assigning the new work to the correct group. This is an ongoing process of for the service analysis system that is constantly pulling trouble tickets and then finding the correct dispatch area to assign it to (i.e. technician).

17. The applicant argues on pg. 28 with regard to “claims 30 and 41 are rejected over Kinser in view of Toyouchi in further view of Northcutt. Thus claims 30 and 41 are not rejected over Smith (U.S. Patent 7,013,469) of in view of Smith”.

The examiner thanks the applicant for pointing out the typographical error of not having the Smith reference in the heading instead of Northcutt. Furthermore the examiner understands that based on the response from the applicant that while there was a typographical error the applicant fully understood and was clear and no confusion as to which piece of prior art was applied and how it was applied to the application.

18. The applicant argues on pg. 28 with regard to claims 10 and 39 that Smith does not disclose “creating a different integer array of pointers for each sort parameter and rearranging the pointers in each integer array as the tickets are rearranged in the response list for each sort parameter, at least because the examiners citations to smith are totally silent as to sorting”.

The examiner respectfully disagrees

In response to the argument for further clarification the examiner points to col. 4, lines (15-21) of Smith which teaches the prior art can be used to with handling of tickets, and

furthermore in col. 75, lines (50-58), and col. col. 76, lines (1-17) of Smith teaches how a sorting of the arrays take place. The claims note the use of pointers while the prior art relies on keys (i.e. pointers). Smith in col. 78, lines (54-55) disclose the initializing of new instance of arrays that as previously mentioned above are sorted.

19. The applicant argues on pg. 30 with regard to claims 31 and 42 that Smith does not disclose the “closed-ended limitation” of “the sort parameters consist of a first sort parameter and a second sort parameter”.

The examiner respectfully disagrees

In response to the argument the examiner first notes that there is not claim limitation that specifically states “the closed-ended limitation” only an implication based off of the claim. Furthermore further clarification the examiner points to col. 75, line (49) – col. 76 line (17) of Smith teach an item system array that is sorted by the keys in the keysSystem.Array (i.e. first parameter) which is itself sorted as a one-dimensional array (i.e. second parameter). Essentially a first sort takes place on an array based on a first parameter and the result of that sort is then used to provide a second sort on a second array using a the parameter defined by the first sort.

20. The applicant argues on pg. 30 with regard to claims 31 and 42 that Smith does not disclose the “closed-ended limitation” of “the multiple sorted ticket request lists consist of a first sorted ticket request list and a second sorted ticket request list”.

The examiner respectfully disagrees

In response to the argument the examiner first notes that there is not claim limitation that specifically states “the closed-ended limitation” only an implication based off of the claim. Furthermore for further clarification the examiner points to col. 4, lines (15-21) of Smith which teaches that the prior art Smith can be used to sort tickets, and more specifically col. 75, line (49) – col. 76 line (17) of Smith teach an item system array that is sorted by the keys in the keysSystem.Array (i.e. first parameter) which is itself sorted as a one-dimensional array (i.e. second parameter). Essentially a first sort takes place on an array based on a first parameter and the result of that sort is then used to provide a second sort on a second array using a the parameter defined by the first sort. An array can be reasonably interpreted to mean memory

storing information such as a list of tickets as it has been shown that Smith handles tickets and sorts arrays. Since it was show previously that two sorts can take place utilizing different parameters the two arrays can be reasonably considered two separate ticket lists.

21. The applicant argues on pg. 33 with regard to claims 31 and 42 that Smith does not disclose “generating the first sorted ticket request list whose tickets are sorted according to the first sort parameter generating a second sorted ticket request list whose tickets are sorted to a second parameter”.

The examiner respectfully disagrees

In response to the argument for further clarification the examiner points to col. 4, lines (15-21) of Smith which teaches that the prior art Smith can be used to sort tickets, and more specifically col. 75, line (49) – col. 76 line (17) of Smith teach an item system array that is sorted by the keys in the keysSystem.Array (i.e. first parameter) which is itself sorted as a one-dimensional array (i.e. second parameter). Essentially a first sort takes place on an array based on a first parameter and the result of that sort is then used to provide a second sort on a second array using a the parameter defined by the first sort. An array can be reasonably interpreted to mean memory storing information such as a list of tickets as it has been shown that Smith handles tickets and sorts arrays. Since it was show previously that two sorts can take place utilizing different parameters the two arrays can be reasonably considered two separate ticket lists.

22. The applicant argues on pg. 34 with regard to claims 32 and 43 that the "examiner incorrectly argues that the preceding feature of claims 32 and 43 is an intended use" with respect to sorting method using parameters”.

The examiner respectfully disagrees

In response to the argument for further clarification the examiner points to as stated above col. 75, line (49) – col. 76 line (17) of Smith teach an item system array that is sorted by the keys in the keysSystem.Array (i.e. first parameter) which is itself sorted as a one-dimensional array (i.e. second parameter). Essentially a first sort takes place on an array based on a first parameter and the result of that sort is then used to provide a second sort on a second array using

a the parameter defined by the first sort. An array can be reasonably interpreted to mean memory storing information such as a list of tickets as it has been shown that Smith handles tickets and sorts arrays. Knowing this Smith then teaches a sorting method that sorts multiple parameters (i.e. two) with respect to arrays and looks for parameters, but these parameters may not be specifically the same as the claimed invention, however the structure is taught in Smith (i.e. a sorting using a first and second parameter). Therefore because the structure is in place and the only difference is that the specific parameter may not be the same the finds only difference is the intended use, and meets the claim.

23. The applicant argues on pg. 35 with regard to claims 33 and 44 that Kinser, col. 45, line 19, "trouble type and severity relationship" is "totally unrelated to sorting" and "the defective pair information (i.e. date and failure type) and spare pair count for each cable pair range will be obtained for use in the trouble grouping and prioritization processes, respectively, which is totally unrelated to sorting..

The examiner respectfully disagrees

In response to the argument the for further clarification the examiner points to col. 48, line (63) – col. 49, line (11) of Kinser which further discloses that the grouping and prioritization is an analysis of the retrieval of the general facility detail and is a grouping based on information of some sort parameter (i.e. sorting).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 3623

Respectfully submitted,

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